

ported from the State of Michigan into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the Noxit consisted essentially of zinc acetate, opium, berberine, alcohol, glycerin, and water, and that the B-I-F injection consisted essentially of zinc acetate, boric acid, opium, berberine, alcohol, glycerin, and water.

Misbranding of the articles was alleged in substance in the libels for the reason that certain statements appearing in the circular accompanying the articles falsely and fraudulently represented them to be effective in the treatment and cure of gonorrhea, clap, and gleet, whereas, in truth and in fact, the said articles would not produce the curative and therapeutic effects claimed.

On March 28, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**12175. Misbranding of linseed oil meal. U. S. v. 160 Sacks of Linseed Oil Meal. Decree entered providing for release of product under bond to be relabeled.** (F. & D. No. 18455. I. S. No. 10598-v. S. No. E-4773.)

On March 10, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 160 sacks of linseed oil meal, consigned December 13, 1923, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Mann Bros. Co. from Buffalo, N. Y., and transported from the State of New York into the State of Maryland, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "100 Pounds Pure Old Process Linseed Oil Meal From The Mann Bros. Co. Buffalo, N. Y. Guaranteed Analysis Minimum Protein 35 Minimum Fat 6 Maximum Fiber 10 Minimum Carbohydrates 35."

Misbranding of the article was alleged in the libel for the reason that the statement, "Guaranteed Analysis Minimum Protein 35," was false and misleading and deceived and misled the purchaser, in that the said statement represented that the article contained 35 per cent of protein, whereas, in truth and in fact, it contained a less amount.

On March 26, 1924, Walter F. MacNeal & Co., Baltimore, Md., having appeared as claimant for the property, judgment of the court was entered providing that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled to the satisfaction of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**12176. Misbranding of macaroni and spaghetti. U. S. v. Jake Cusimano (J. Cusimano & Co.). Plea of guilty. Fine, \$25.** (F. & D. No. 17803. I. S. Nos. 6124-v, 6125-v, 9371-t.)

On January 17, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jake Cusimano, trading as J. Cusimano & Co., New Orleans, La., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about January 23, 1922, from the State of Louisiana into the State of Florida, of a quantity of spaghetti, and on or about January 5, 1923, from the State of Louisiana into the State of Alabama, of quantities of spaghetti and macaroni, all of which were misbranded. The macaroni was labeled in part: "Patriot Brand Elbows Macaroni Manufactured By J. Cusimano New Orleans, La. Net Weight 5 Oz.;" (stamped) "4 Oz." The spaghetti was labeled in part: "Patriot Brand Spaghetti Manufactured By J. Cusimano New Orleans, La." The consignment of spaghetti into Alabama was further labeled: "Net Weight 5 Oz.;" (stamped) "4 Oz."

Examination by the Bureau of Chemistry of this department of samples of the articles showed that the average net weight of 8 cartons of the macaroni was 3.69 ounces and that the average net weight of 8 cartons of the spaghetti consigned into Alabama was 3.76 ounces.

Misbranding of the macaroni and of the spaghetti consigned into Alabama was alleged in the information for the reason that the statements, to wit,

"4 Oz." and "Net Weight 5 Oz.," borne on the packages containing the articles, were false and misleading, in that they represented that the said packages contained not less than 4 ounces and not less than 5 ounces of the article, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the packages contained not less than 4 ounces and not less than 5 ounces of the article, whereas, in truth and in fact, the said packages did not contain 4 ounces of the said article but did contain a less amount. Misbranding was alleged with respect to the said macaroni and both consignments of the spaghetti for the reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 17, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**12177. Adulteration of shelled filberts. U. S. v. 2 Bags, et al., of Shelled Filberts. Default decrees ordering destruction of product.** (F. & D. Nos. 18245, 18246, 18247, 18248. I. S. Nos. 11909-v, 11910-v. S. No. W-1457.)

On December 29, 1923, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying for the seizure and condemnation of 14½ bags of shelled filberts, remaining in the original and unbroken packages, at Salt Lake City, Utah, alleging that the article had been shipped by the Hale Co., San Francisco, Calif., on or about June 20, 1923, and transported from the State of California into the State of Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Order Of The Hale Co."

Adulteration of the article was alleged in the libels for the reason that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On March 28, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**12178. Adulteration and misbranding of cottonseed meal. U. S. v. 100 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond to be relabeled.** (F. & D. No. 16991. I. S. No. 3191-v. S. No. E-4229.)

On or about November 22, 1922, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 sacks of cottonseed meal, remaining in the original unbroken packages at Jacksonville, Fla., consigned by the Americus Oil Co., Americus, Ga., alleging that the article had been shipped from Americus, Ga., on or about September 12, 1922, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cottonseed Meal Guaranteed Analysis: Ammonia 7.00%."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in ammonia had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was labeled, "Cottonseed Meal Guaranteed Analysis: Ammonia 7.00%," which statement was false and misleading and deceived and misled the purchaser, since the said article was deficient in ammonia.

On January 30, 1923, the Americus Oil Co., Americus, Ga., claimant, having admitted the allegations of the libel as to mislabeling, but claiming that it was unintentional, judgment of condemnation was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled so as to accurately and correctly describe the product.

HOWARD M. GORE, *Acting Secretary of Agriculture.*